

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**WILLIAM GARDNER,**

**Plaintiff,**

**No. 1:23-cv-00318 GBW/SCY**

**vs.**

**CITY OF ALBUQUERQUE  
Code Enforcement Department, and  
NICOLE A. SANCHEZ, Attorney  
for City of Albuquerque,**

**Defendants.**

**UNOPPOSED MOTION TO VACATE AND RESET TRIAL SCHEDULING  
CONFERENCE**

**COME NOW** Defendants City of Albuquerque Code Enforcement Department and Nicole A. Sanchez (“Defendants”), by and through their counsel of record, Managing City Attorney Kristin J. Dalton, and hereby submit this Motion to Vacate and Reset Trial Scheduling Conference (“Scheduling Conference”) set for March 27, 2024. [See Doc 40] Plaintiff does not oppose this Motion. In support of the Motion, Defendants state as follows:

1. On March 5, 2024, this Court entered an Order Setting Trial Scheduling Conference, setting a telephonic status conference for March 27, 2024 at 4:00 p.m. [Doc. 40]
2. The parties are presently working with Magistrate Judge Steven C. Yarbrough on a possible resolution/settlement of this matter.
3. Counsel for Defendants will be out of town and unavailable the week of March 25-29, 2024 on a pre-planned trip.

4. Counsel for Defendants is also unavailable the week of March 18-22, 2024, due to a firm trial setting of March 18, 2024 in *Gonzales, Lawrence v. City of Albuquerque, et al.*; D-202-CV-2021-03240. The trial is expected to last five (5) days.

5. Plaintiff William Gardner of Jardinero Investments, LLC, does not oppose Defendants' request to vacate and reset the Scheduling Conference.

**WHEREFORE**, Defendants request that the March 27, 2024 Scheduling Conference be vacated and reset for a later date.

Respectfully submitted,

**CITY OF ALBUQUERQUE**

Lauren Keefe, City Attorney

/s/ Kristin J. Dalton

Managing City Attorney

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*Attorney for Defendants City of Albuquerque Code  
Enforcement Department and Nicole A. Sanchez*

**IT IS HEREBY CERTIFIED** that the foregoing pleading was e-filed via the Courts CM/ECF system and served to:

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*Plaintiff Pro Se*

on this 8th day of March, 2024.

/s/ Kristin J. Dalton

Kristin J. Dalton, Managing City Attorney